

# HOUSE . . . . . No. 827

---

By Mr. Evangelidis of Holden, petition of Lewis G. Evangelidis relative to increasing the penalties for breaking and entering dwellings during daytime with intent to commit a felony. The Judiciary.

---

## The Commonwealth of Massachusetts

---

In the Year Two Thousand and Five.

---

AN ACT RELATIVE TO INCREASING THE PENALTIES FOR BREAKING AND ENTERING DWELLINGS DURING THE DAYTIME WITH INTENT TO COMMIT A FELONY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 1. Section 17 of Chapter 266 of the General Laws, as  
2 appearing in the 2000 Official Edition, is hereby amended by  
3 striking out same and inserting in place thereof the following:

4 (a) Whoever, in the night time, enters without breaking, or  
5 breaks and enters in the day time, a building, ship, vessel, or  
6 vehicle, with intent to commit a felony, the owner or any other  
7 person lawfully therein being put in fear, shall be punished by  
8 imprisonment in the state prison for not more than ten years.

9 (b) Whoever, in the day time, breaks and enters a dwelling with  
10 intent to commit a felony, the owner or any other person lawfully  
11 therein being put in fear, shall be punished by imprisonment in the  
12 state prison for life or any term of years, provided that any sen-  
13 tence imposed under the provisions of this paragraph shall be sub-  
14 ject to the minimum requirements of paragraph (c).

15 (c) Whoever commits any offense described in paragraph (a)  
16 while armed with a firearm, rifle, shotgun, machine gun or assault  
17 weapon shall be punished by imprisonment in the state prison for  
18 not less than five years or in the house of correction for not more  
19 than two and one-half years. Whoever commits an offense  
20 described in paragraph (b) while armed with a firearm, rifle,  
21 shotgun, machine gun or assault weapon shall be punished by  
22 imprisonment in the state prison for not less than five years.

23 Section 2. This act shall take effect upon its passage.

This Document Has Been Printed On 100% Recycled Paper.